

IN BOARD OF SELECTMEN  
MONDAY, JULY 15, 1974

Present: Chairman John C. Powers, John E. Taft and William F. Toomey.

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The statutory requirements as to notice having been complied with, the meeting was called to order at 7:30 p.m. by Chairman John C. Powers.

Site Plan Application #74-131, James Mercury, Mobil Service Station, 249 Boston Post Road

Present: Francis E. White, Zoning Enforcement Agent; Robert Dionisi, attorney representing Mr. Mercury.

The Zoning Enforcement Agent submitted the site plan for James Mercury, 249 Boston Post Road, which showed the proposed installation of a new pump at the end of the existing island. Mr. White reported that all abutters and principals had been notified and explained that, under federal law, all gasoline stations will be required to have a pump for dispensing unleaded gasoline.

Mr. White stated that the pump had actually been installed six or seven months ago, but had not been sealed by him because there had been no site plan approval for the installation.

Following discussion, it was on motion unanimously

VOTED: To approve Site Plan Application #74-131, from James Mercury, Mobil Service Station, 249 Boston Post Road, for an additional pump for unleaded gasoline to be located at the westerly end of the existing pump island, as shown on a plan dated June 1974.

Minutes

The Board voted unanimously to accept the minutes of the regular meeting and the executive session of July 8, 1974, the former as amended.

One Day License - Beer and Wine; Frozen Desserts, Ice Cream Mix, Etc.

In response to its request, it was on motion unanimously

VOTED: To issue the following one-day licenses to M.S.S. Indulgence Society, Michael Barilone, President, for its Annual Feast Day at Chapel on Mossman Road, for Sunday, July 28, 1974, between the hours of 10:00 a.m. - 6:00 p.m. (approximate):

- 1) For the sale of wines and malt beverages only, subject to the condition that no loud speakers, amplifiers, or any other noise producing devices are used;
- 2) For the sale of frozen desserts, ice cream mix, confectionery, soda water, or fruit on the Lord's Day.

Site Plan Application #74-129 (Renewal), Sylvia Silverman,  
717 Boston Post Road

Present: Francis E. White, Zoning Enforcement Agent; Sylvia Silverman, applicant; Richard Babineau, property owner; Janet Brennan and Rudolph Marrone, abutters; Keith Gabler, garage tenant.

The Executive Secretary explained that this site plan application was before the Board on June 3rd and was denied at that time without prejudice, pending an appearance before the Board of the property owner to answer questions relative to alleged zoning violations in connection with usage of a garage on the property for activities other than those specified at the time of previous site plan approval.

The Executive Secretary reported that the Board had received a communication dated June 3, 1974, from the Building Inspector, and a communication dated May 17, 1974, from the Planning Board, both of which recommended approval of site plan renewal. Mr. Thompson also reported that a communication, dated July 10, 1974, had been received from the Board of Appeals relative to Case #74-16, a request from the applicant for renewal of a permit to conduct a school for classical ballet in a residential area.

The Executive Secretary also referred to a communication submitted to the Board on June 3rd by Mrs. Janet Brennan, an abutter, which noted violations with regard to usage of a garage on the property.

The Zoning Enforcement Agent stated that all abutters had been notified and that the site plan before the Board tonight for renewal was exactly the same plan that had been approved by the Board a year ago.

Mr. Babineau, owner of the property, stated that he had given the tenant of the garage in question (Keith Gabler) a termination notice for July 15th and that the garage should have been vacated today.

Mr. Gabler stated that he and another Corvette Club member had been using the garage for storage of motor vehicles and personal property only and that no work was being done on cars at that location.

Mrs. Brennan and Mr. Marrone, abutters, cited recent instances of vehicle repair work being done, and in response to a question from Chairman Powers, Mr. Gabler stated that he was unaware of the activity mentioned.

Mr. Babineau stated that he now fully understood the terms under which the garage can be leased and that he has advertised its availability for dead storage only.

Following further discussion, it was on motion unanimously

VOTED: To approve renewal of the site plan, dated July 18, 1973, of Sylvia Silverman, 717 Boston Post Road, Studio of Ballet Arts, subject to utilization of the garage and other buildings on the property for only those purposes provided for in the Zoning Bylaw of the Town of Sudbury.

Dog Hearing - Woodbury/Harris

Present: Mr. and Mrs. Lloyd R. Woodbury, complainants; Mr. William Harris, owner of the dog.

The Executive Secretary read the complaint, dated May 28, 1974, filed by Mr. and Mrs. Lloyd R. Woodbury, 30 Willard Grant Road, against the Alaskan Malamute owned by William Harris, 38 Willard Grant Road. The complaint stated that the dog "Baronoff", an Alaskan Malamute, was a nuisance by reason of howling and crying for hours at a time.

Mr. Thompson stated that reports, dated June 4, 1974, had been received from the Dog Officer and the Assistant Dog Officer, which recommended that no action be taken.

Mrs. Woodbury stated that the dog, who is kept in an outside pen, howls from one and up to five occasions during the day and that these periods range from  $\frac{1}{2}$  - 1 hour and on one occasion for  $3\frac{1}{2}$  hours.

Chairman Powers stated that the Assistant Dog Officer's report had noted contact with other families in the area, all of whom had reported no disturbance caused by the dog's barking.

Mr. Harris stated that he has also made similar inquiries of his neighbors and has heard no complaints. Mr. Harris stated that the dog was a purebred, expensive dog and was used, in conjunction with a St. Bernard who is kept loose in the house, for protection of his family and property and will only bark when a person or another dog enters his yard.

Mrs. Woodbury stated that the particular configuration of the land in that area seems to funnel the dog's barking to their home.

In response to a question, Mr. Harris stated that the dog's pen could not be relocated because of a limited amount of buildable land on his lot, which is predominantly marsh.

Chairman Powers closed the hearing at 8:30 p.m., stating that the Board would take the matter under advisement and would inform the interested parties of its decision.

The Board withdrew for a five-minute period, in which it was on motion unanimously

VOTED: To take no action based upon the facts as presented tonight at the hearing and the report of the Dog Officer;

and it was further

VOTED: To advise the complainants to contact the Assistant Dog Officer at the next disturbance by "Baronoff" in order that she might witness the same.

Sudbury Telephone Calling Area - Meeting with New England Telephone Co.

Present: Rita Omelia, District Manager, Rita Murphy, Manager, Natick Office, both from New England Telephone Company; Mr. and Mrs. Robert Simon, Mrs. George Siegel, subscribers.

The Executive Secretary stated that on April 25th, after receipt of several communications relative to a request for improvement of the Sudbury telephone calling area, he had sent a letter, dated April 25, 1974, to Mr. Francis Hickey, Department of Public Utilities, requesting that that Department ascertain from New England Telephone Company their current plans to improve service to the Sudbury exchange calling area and expressing the Town's concern that the monthly telephone toll charges for the Town Hall exchanges exceed the basic monthly service charge.

Mr. Thompson stated that, in addition, in the last month or so, representatives from the Telephone Company have been in the Selectmen's office to do a study and evaluation of the Town Hall area, but that their report is not yet complete.

Miss Rita Omelia, District Manager for the Telephone Company, stated that with regard to the Board's letter to the Department of Public Utilities, a summary of January to April 1974 telephone charges for the Town Hall had been broken down.

Miss Omelia submitted to the Board an analysis of these charges and stated that the incidence of calls to contiguous towns was far below those to other Massachusetts' exchanges. Miss Omelia stated that the constraints on the Telephone Company's capital expenditures were such that further extended local service cannot be given top priority at this time, as all available resources must be used to provide the demand for new customers and increasing usage of the present basic service.

Miss Omelia stated that from January 1970 - April 1974 the Telephone Company had spent \$1,945,000 for equipment and facilities in Sudbury and through 1976 would spend an additional \$845,000.

Selectman Taft suggested that improvement of the Sudbury calling area might be not a matter of equipment but a matter of setting or

adjusting areas and proposed that a decision be made that Marlborough be a toll-free call.

Mr. and Mrs. Simon stated that they felt it necessary to have toll-free access to the hospitals in Marlborough and Concord, the business center of Natick, and the Town of Lincoln which is regionalized with Sudbury for Grades 9-12, suggesting that toll-free calls be allowed within an established radius of Sudbury.

Mrs. Marjorie Siegel stated that she was representing the physicians in Sudbury, all of whom are associated with the Marlborough Hospital and whose bills are "astronomical". Mrs. Siegel also stated that the Marlborough Hospital Executive Board has several trunk lines into this area for which they pay a very high fee.

Chairman Powers stated that the current system does not serve the needs of the Town and asked Miss Omelia if it cannot be so geared, and if not, why not.

Miss Omelia stated that the Telephone Company does recognize that Sudbury is limited in its calling, that the program to expand its local service had been planned until recently, when put aside to provide the basic service to this growing community and could not be a consideration at this time.

Selectman Toomey stated that he was of the opinion that the Town could petition the Department of Public Utilities for further extension of the service and expressed his appreciation for the opportunity for tonight's meeting to hear the Telephone Company's position.

Chairman Powers requested more detailed information relative to Miss Omelia's figures and statements and questioned why it is a mechanical, rather than an administrative problem.

Miss Omelia responded that she will have her engineer prepare a statement relative to those made by her on behalf of the Telephone Company.

Chairman Powers stated that the Board will anxiously await her communication and expressed the Board's hope that the request for expanded local service can be worked out with the Telephone Company.

License Renewal - Don's Taxi and Limousine Service, Inc.

Present: Joseph A. Bruno, Jr., President, Transportation Services, Inc.

The Board met with Mr. Joseph A. Bruno, Jr., President, Transportation Services, Inc., who recently made application for renewal of a taxi and limousine service license, formerly under the name of Don's Taxi and Limousine Service, Inc.

In response to questions, Mr. Bruno stated that the majority of his cars will be located in an area in Concord rented from the Boston and Maine railroad station and that the fare from Sudbury to Logan Airport would be between \$11 - \$12, with return service available.

On the recommendation of the Executive Secretary, it was on motion unanimously

VOTED: To approve a change in the present process in applying for licenses to operate taxi and limousine vehicles, effective July 15, 1974, in that such completed applications be submitted to the Chief of Police, who will then be solely responsible for character verification and approval of individual taxi driver's licensing card.

Selectman Toomey suggested, subject to Town Counsel's recommendation, that the authority of the Chief of Police be further increased to include the issuance of the taxi and operator licenses on behalf of the Town and that an article to this effect be included in the warrant for a future Town Meeting.

It was on motion unanimously

VOTED: To renew the taxi and/or limousine service license for Don's Limousine and Taxi Service, Transportation Services, Inc., Lexington, for the year July 1, 1974, through June 30, 1975. This license is granted and accepted upon the express condition that the licensee shall, in all respects, conform to all of the rules and regulations as made by the licensing authorities under the provisions of Chapter 40, Section 22 of the General Laws, as amended, and shall expire June 30, 1975, unless earlier suspended, canceled or revoked. Approval is also subject to the Police Chief's notification by the licensee of all changes in driver personnel, with character verification for the individual drivers to be determined by the Police Chief.

#### Appointments

The Executive Secretary announced the following appointments made at the July 8th meeting of the Board:

Howard P. Porter as Gas Inspector for a term to expire April 30, 1975.

Richard C. Hill to the Historical Commission for a term to expire April 30, 1977.

Richard C. Hill to the Historic Structures Commission for a term to expire April 30, 1977. (See minutes of July 29, 1974)

Leo S. Spottswood and Joseph D. Bausk to the Memorial Day Committee for terms to expire April 30, 1977.

George Distler to the Personnel Board for a term to expire April 30, 1977.

William Harding to the Talent Search Committee for a term to expire April 30, 1977.

Ronald B. Campbell, Jr., as Massachusetts Area Planning Council Representative, as a member of the Regional Concerns Committee for a term to expire April 30, 1977.

Article 26 - Add Transportation Corridors to Official Map

The Executive Secretary announced the following action of the Board at its June 24th meeting relative to the hearing held on Article 26 - Add Transportation Corridors to Official Map: VOTED: To approve the alteration of the Official Map, voted at the 1974 Annual Town Meeting under Article 26, upon the condition, clarification and limitation that "transportation corridors" in this instance, is limited to railway transportation.

Package Store License Applications

The Executive Secretary announced that the Board at its July 1st meeting reviewed and discussed Town Counsel's opinion, dated March 21, 1974, on the subject of recent applications which have been received by the Selectmen for all alcoholic beverages package store licenses, in which he stated that an additional so-called package store license will be available, at the discretion of the local licensing authority, under Chapter 138, Section 17 of the General Laws, when the population of the Town reaches 15,000, as recorded by a state or national census.

Mr. Thompson stated that upon the recommendation of Town Counsel, it was, therefore, on July 1st voted to forward to all applicants for an all alcoholic beverages package store license a copy of Town Counsel's above-referenced opinion and request that each withdraw his application.

Common Victualler License - Antonio Giovane, Pizza alla Pietra Corp.  
447 Boston Post Road

Present: Francis E. White, Zoning Enforcement Agent.

The Zoning Enforcement Agent submitted to the Board a floor plan for Antonio Giovane, Pizza alla Pietra Corp., which incorporated those items required by the Board of Health and the Fire Chief discussed at the Selectmen's June 10th meeting.

On the recommendation of the Zoning Enforcement Agent and the Executive Secretary it was on motion unanimously

VOTED: To grant a Common Victualler License to Antonio Giovane, Pizza alla Pietra Corporation, 447 Boston Post Road, to be held until final inspection of the completed facility by the Zoning Enforcement Agent, the Fire Chief, the Board of Health and the Board of Selectmen.

Civil Service

On the subject of the existing vacancies for patrolmen with the Sudbury Police Department, the Executive Secretary reported that because of insufficient response from those included on the Patrolman eligible list, he had on March 14, 1974 requested from Edward W. Powers, Director, Division of Civil Service, additional names as soon as possible and that he believed, in the best interest of Sudbury, that the next such list should contain names of those persons who reside in Sudbury or adjacent to it.

Mr. Thompson stated that a response, dated June 28, 1974, had been received, which stated that application of this request to the present list is prohibited by Chapter 226 of the Acts of 1972 and, therefore cannot be considered until the establishment of a future eligible list.

Mr. Thompson stated that he wished a consensus from the Board that this request again be made to the Director with regard to the establishment of a future eligible list. The Board was in agreement.

"Thru Trucking" - Wayland

The Board received a communication dated July 1, 1974, from the Town of Wayland relative to Sudbury's support in the matter of Wayland's efforts to exclude "thru trucking" on Routes 27, 30, and 126 in Wayland.

The Executive Secretary stated that the Board had received reports from the Planning Board, received June 13, and from the Police Chief, dated June 10, 1974, which did not recommend Sudbury's support of Wayland's request.

Mr. Thompson also stated that at the request of the Board he had written a letter on the subject, dated June 5, 1974, to Bruce Campbell, Commissioner, Department of Public Works, from whom he had received a reply dated June 21, 1974.

Following discussion, it was on motion unanimously

VOTED: To take no action in support of the Town of Wayland's efforts to exclude "thru trucking" on Routes 27, 30, and 126 as the presentation on the subject given to the Board on May 29th by Wayland's representatives demonstrated nothing that would enhance the Town of Sudbury by such action, as well as the fact that approval of this action would be imprudent in the face of the opposition expressed by several Town agencies.



Executive Session

At 9:50 p.m., it was on motion unanimously

VOTED: To enter into executive session for the purpose of the yearly review of department heads.

There being no further business to come before the Board, it was on motion unanimously

VOTED: To adjourn the meeting at 11:30 p.m.

Attest: Richard E. Thompson  
Richard E. Thompson  
Executive Secretary-Clerk